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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,807	09/28/2001	Ashley K. Sexton	56484.US/1432.0	3092

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EXAMINER

VIG, NARESH

ART UNIT PAPER NUMBER

3629

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/966,807

**Applicant(s)**

SEXTON ET AL.

**Examiner**

Naresh Vig

**Art Unit**

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>20020301</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Realtor Workstation hereinafter known as Realtor in view of Metropolitan Regional Information Systems, Inc. hereinafter known as MRIS.

With respect to the recitation in claims 1 - 34 defining what kind of data is being stored on the database, this is considered to be non-functional descriptive material that does not distinguish (define) over the applied prior art. Since the instant claims are article claims and the type of data claimed is considered to be non-functional descriptive material, the applied prior art satisfies the claim. The prior art stores data and is fully capable of storing the claimed type of data, this is the extend to which weight will be given to the claimed data. When descriptive material is not functionally related to the article, the descriptive material will not distinguish the invention from the prior art in terms of patentability, *In re Gulack*, 217 USPQ 401 (CAFC 1983).

Regarding claim 1, Realtor teaches a computerized real estate information system accessible via a computer network for selectively providing information to users concerning real estate properties.

Realtor does not explicitly teach a computer database of information corresponding to real estate properties (design choice). However, Realtor teaches using database [page 1, 3]. MRIS teaches computer database of information corresponding to real estate properties [page 45].

Therefore it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Realtor as taught by MRIS to store large amount of data for dynamic retrieval at later time.

Realtor in view of MRIS teaches:

a user access interface operatively associated with the database for selectively accessing the database information, the user interface including (design choice)

a portal to a global computer network (data center) [MRIS page 45]

a plurality of search data entry fields accessible via the portal for inputting desired search criteria for comparison to the database information to yield at least one search result corresponding to a subset of the database information that matches the input search criteria [page 17 – 19],

a search result display that visually presents the search result [page 19],

first package data entry fields for selecting desired database information for inclusion in a first package of information corresponding to a desired real estate property [page 24, 25], and

at least one first package output field for selecting a desired package output format [page 28, 35];

a portfolio interface operatively associated with the user interface for organizing information concerning selected ones of the real estate properties, the portfolio interface including (design choice)

a plurality of portfolio folders for storing selected database information corresponding to at least one of the real estate properties (data center, personal database) [page 3, 7, MRIS page 45, 46], and

a plurality of folder tools associated with each of the portfolio folders, the folder tools including (design choice).

second package data entry fields for selecting desired database information for inclusion in a second package of information corresponding to a desired real estate property, and

at least one second package output field for selecting a desired package output format; and

an administrative interface for entering the information corresponding to the real estate properties into the database and for editing the information (data input) [page 1].

Regarding claim 2, Realtor in view of MRIS teaches information corresponding to real estate properties comprises photographs of properties, text, and maps [page 26].

Regarding claim 3, Realtor in view of MRIS teaches photographs for each property comprises at least one aerial photograph (business choice and design choice).

Regarding claim 4, Realtor in view of MRIS teaches aerial photographs of a property further includes a highlighted border substantially corresponding to property lines of the property (design choice) [page 26].

Regarding claim 5, Realtor in view of MRIS teaches aerial photographs includes text identifying one or more features proximate to the property, the features being selected from the group consisting of street names (design choice) [page 26].

Regarding claim 6, Realtor in view of MRIS teaches text is selected from the group consisting address information, property types, price, property age. [page 26].

Regarding claim 7, Realtor in view of MRIS teaches maps comprise maps of demographic information for areas proximate a selected real property (design choice) [page 8, 26].

Regarding claim 8, Realtor in view of MRIS teaches maps selected from the group consisting of roads (design choice).

Regarding claim 9, Realtor in view of MRIS teaches desired search criteria is selected from the group consisting of address information, property types, price (design choice).

Regarding claim 10, Realtor in view of MRIS teaches search data entry fields are selected from the group consisting of address information, property types, price (design choice).

Regarding claim 11, Realtor in view of MRIS teaches search result display comprises a display having an images section, a description section, a utilities section, a transaction section, a contact section, a community section, and a map section (design choice).

Regarding claim 12, Realtor in view of MRIS teaches image section comprises a photograph.

Regarding claim 13, Realtor in view of MRIS teaches description section includes textual information selected from the group consisting of address information, property types, price (design choice).

Regarding claim 14, Realtor in view of MRIS teaches utilities section includes textual information corresponding to utilities selected from the group consisting of gas, electricity, water, and sewer (design choice).

Regarding claim 15, Realtor in view of MRIS teaches transaction section includes textual information corresponding to transaction types selected from the group consisting of sales (design choice).

Regarding claim 16, Realtor in view of MRIS teaches contact section includes textual information selected from the group consisting of names, phone number (design choice).

Regarding claim 17, Realtor in view of MRIS does not teach community section includes information corresponding to media providers from the group consisting of radio and television stations and newspapers. However, Official notice it taken that it would have obvious to one of ordinary skill in the art at the time the invention was made that businesses have provided links on their user interfaces to allow user to get information directly from the linked site (design choice).

Therefore it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Realtor in view of MRIS and provide link on user interface



Art Unit: 3629

to allow user to get information directly from linked site. For example, e-shopping sites providing links to business partners.

Regarding claim 18, Realtor in view of MRIS teaches map section includes maps of information selected from the group consisting of roads (design choice).

Regarding claim 19, Realtor in view of MRIS teaches a demographic section having information demographic information selected from the group consisting of gender, age, race, ethnicity, income, and spending (design choice).

Regarding claim 20, Realtor in view of MRIS teaches first package data entry fields are selected from the group consisting of maps (design choice).

Regarding claim 21, Realtor in view of MRIS teaches first package includes printed pages containing information selected from the group consisting of maps (design choice).

Regarding claim 22, Realtor in view of MRIS teaches first package output field is selected from the group consisting of print (design choice).

Regarding claim 23, Realtor in view of MRIS teaches portfolio folder comprises a search storage folder containing a subset of the database information that matches input search criteria (design choice).

Regarding claim 24, Realtor in view of MRIS teaches user is a listing user and the portfolio folder comprises a folder containing property information to be approved by the listing user (business choice, design choice, field of use).

Regarding claim 25, Realtor in view of MRIS teaches second package data entry fields are selected from the group consisting of maps (design choice).

Regarding claim 26, Realtor in view of MRIS teaches second package includes printed pages containing information selected from the group consisting of maps (design choice).

Regarding claim 27, Realtor in view of MRIS teaches second package output field is selected from the group consisting of print (design choice).

Regarding claim 28, Realtor in view of MRIS teaches second field comprises electronic mailing of a package (export) (business choice, design choice).

Regarding claim 29, Realtor in view of MRIS teaches user is a listing user (field of use) and the portfolio folder comprises a collection of all listed properties for the listing user and includes information corresponding to the length of time each listed property of the listing user has been listed, when properties have been sold, how many other users have viewed, printed or e-mailed information relating to a particular property, and how many e-mails and other communications the listing user has sent concerning each property (data collection, keeping counter are design choice).

Regarding claim 30, Realtor in view of MRIS teaches second package comprises statistical information corresponding to marketing efforts of the listing user for properties listed by the listing user, the statistical information being selected from the group consisting of the length of time each listed property of the listing user has been listed, when properties have been sold, how many other users have viewed, printed or e-mailed information relating to a particular property, and how many e-mails and other communications the listing user has sent concerning each property (data collection, keeping counter are design choice).

Regarding claim 31, Realtor in view of MRIS teaches login interface that limits access to the portfolio interface and the administrative interface (business choice, design choice)

Regarding claim 32, Realtor teaches real estate information system accessible via a computer network for selectively providing information to users concerning real estate properties.

Realtor does not explicitly teach a computer database of information corresponding to real estate properties, (design choice). However, Realtor teaches using database [page 1, 3]. MRIS teaches computer database of information corresponding to real estate properties [page 45].

Therefore it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Realtor as taught by MRIS to store large amount of data for dynamic retrieval at later time.

Realtor in view of MRIS teaches:

a user access interface operatively associated with the database for selectively accessing the database information (design choice),

a portfolio interface operatively associated with the user interface for organizing information concerning selected ones of the real estate properties (design choice),

an administrative interface for entering the information corresponding to the real estate properties into the database and for editing the information, wherein the portfolio interface is accessible via a login interface and includes tools to select information from the database and to generate a package corresponding to the selected information (design choice).

Regarding claim 33, Realtor in view of MRIS teaches package includes printed pages containing information selected from the group consisting of maps (design choice).

Regarding claim 34, Realtor in view of MRIS teaches package comprises statistical information corresponding to marketing efforts of the listing user for properties listed by the listing user, the statistical information being selected from the group consisting of the length of time each listed property of the listing user has been listed, when properties have been sold, how many other users have viewed, printed or e-mailed information relating to a particular property, and how many e-mails and other communications the listing user has sent concerning each property (data collection, keeping counter are design choice).

### ***Conclusion***

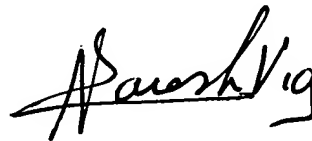
Applicant is required under 37 CFR '1.111 (c) to consider the references fully when responding to this office action.

Art Unit: 3629

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naresh Vig whose telephone number is 703.305.3372. The examiner can normally be reached on M-F 7:30 - 5:00 (Alt Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 703.308.2702. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Naresh Vig', with a stylized, cursive script.

Naresh Vig  
Patent Examiner  
December 11, 2004